

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SULAIMAN OLADOKUN,

Plaintiff,

- against -

06 CV 2330
(KMW) (KNF)

(ECF case)

JOHN R. RYAN, individually and in his official capacity as President of State University of New York Maritime College, KIMBERLY R. CLINE, individually and in her official capacity as Vice President for Administration and/or Chief Operating Officer of State University of New York Maritime College, and RICHARD S. SMITH, in his official capacity as Commandant of Cadets of State University of New York Maritime College,

**DECLARATION IN
SUPPORT OF
PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

Defendants.

-----X

JAMES M. MALONEY declares pursuant to 28 U.S.C. § 1746 as follows:

1. I represent the Plaintiff in this action.
2. I respectfully submit this affirmation in support of Plaintiff's motion for partial summary judgment.
3. Annexed hereto as Exhibit A is a true copy of the Amended Complaint herein (DE # 47), together with its seven internal exhibits numbered 1 through 7.
4. Annexed hereto as Exhibit B is a true copy of Exhibit 2 to the Declaration of Penelope Ploughman executed September 29, 2006 ("Ploughman Dec.") (Docket Item # 10).
5. Annexed hereto as Exhibit C is a true copy of the transcript of the deposition of Defendant John R. Ryan.
6. Annexed hereto as Exhibit D is a true copy of Exhibit 1 to the deposition of

Defendant John R. Ryan.

7. Annexed hereto as Exhibit E is a true copy of Exhibit 2 to the deposition of Defendant John R. Ryan.

8. Annexed hereto as Exhibit F is a true copy of Exhibit 3 to the deposition of Defendant John R. Ryan.

9. Annexed hereto as Exhibit G is a true copy of Exhibit 4 to the deposition of Defendant John R. Ryan.

10. Annexed hereto as Exhibit H is a true copy of Exhibit 5 to the deposition of Defendant John R. Ryan.

11. Annexed hereto as Exhibit I is a true copy of Exhibit 6 to the deposition of Defendant John R. Ryan.

12. Annexed hereto as Exhibit J is a true copy of Exhibit 7 to the deposition of Defendant John R. Ryan.

13. Annexed hereto as Exhibit K is a true copy of Exhibit 8 to the deposition of Defendant John R. Ryan.

14. Annexed hereto as Exhibit L is a true copy of Exhibit 9 to the deposition of Defendant John R. Ryan.

15. Annexed hereto as Exhibit M is a true copy of Exhibit 10 to the deposition of Defendant John R. Ryan.

16. Annexed hereto as Exhibit N is a true copy of the cover page and pages 43-44 of the transcript of the deposition of Defendant Richard S. Smith, which is referenced at paragraph 3 of Plaintiff's statement pursuant to Local Rule 56.1 submitted herewith.

17. Annexed hereto as Exhibit O is a true copy of an affirmation submitted by the undersigned in a related Court of Claims action that was dismissed on the Defendant's (State of New York's) motion, together with its twelve internal exhibits numbered 1 through 12.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that the statements made by me in the aforementioned affirmation submitted by me in the related Court of Claims action are true and correct except those statements (based on information and belief at the time said affirmation was executed) to the effect that an earlier version of the College's rules was in effect at the time of Plaintiff's disenrollment.

Executed on: January 8, 2010
Port Washington, New York

_____/s
James M. Maloney (JM-5297)
Attorney for Plaintiff
33 Bayview Avenue
Port Washington, New York

(516) 767-1395
maritimelaw@nyu.edu